

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

GREG L. JOHNSON, SB# 132397

E-Mail: Greg.Johnson@lewisbrisbois.com

TIMOTHY J. NALLY, SB# 288728

E-Mail: Timothy.Nally@lewisbrisbois.com

2020 W. El Camino Avenue, Suite 700

Sacramento, California 95833

Telephone: 916.564.5400

Facsimile: 916.564.5444

Attorneys for Defendant,  
UNITED HEALTHCARE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

DAVID BAIN, DAYNA BAIN and ALAINA  
BAIN, individuals, ,

Plaintiffs,

vs.

UNITED HEALTHCARE INC. in its capacity  
as insurer, administrator, and fiduciary of the  
Sagent Advisors Inc. Group Health Plan, and  
SAGENT ADVISORS INC. GROUP  
HEALTH PLAN, an ERISA-regulated welfare  
plan,

Defendants.

CASE NO. 3:15-cv-03305-EMC

**STIPULATION AND PROPOSED ORDER  
TO RESCHEDULE HEARING DATE ON  
MOTIONS FOR SUMMARY JUDGMENT**

Trial Date: None Set

The parties do hereby stipulate and request as follows:

On December 6, 2016, the Court held a case management conference, at which it set a hearing date on the parties' cross motions for summary judgment for May 11, 2017. (Dkt. 61.) However, counsel for Defendant United Healthcare, Inc. ("United"), has a previously scheduled arbitration set for the week of May 8, 2017, and will not be able to adequately prepare for and argue the parties' cross-motions for summary judgment on May 11, 2017.

The parties have met and conferred regarding the scheduling of the hearing date and agree to move the hearing to a later date so as to accommodate counsel's scheduling conflict and to permit Plaintiffs adequate time to conduct permitted discovery. Counsel for United has contacted

4817-8120-7101.1

1 the Court's clerk, and it appears the parties and the Court are available for a hearing on the parties'  
2 cross motions for summary judgment on May 25, 2017, at 1:30 p.m.

3 Therefore, the parties through their respective counsel do hereby stipulate and request that  
4 the Court move the hearing date on the parties' cross motions for summary judgment to May 25,  
5 2017, at 1:30 p.m., with the parties' moving papers to be filed and served by April 20, 2017,  
6 opposing papers to be filed and served by May 4, 2017, and reply papers to be filed and served in  
7 by May 11, 2017.

8 Respectfully submitted.

9 DATED: December 7, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

11 By: /s/ Timothy J. Nally

12 Greg L. Johnson

13 Timothy J. Nally

14 Attorneys for Defendant UNITED  
HEALTHCARE INC.

15 DATED: December 7, 2016

PHILIPS, ERLEWINE, GIVEN & CARLIN LLP  
16 CREITZ & SEREBIN LLP

17 By: /s/ Joseph Creitz

18 Joseph Creitz

19 Co-Counsel for Plaintiffs DAVID BAIN, DAYNA  
20 BAIN and ALAINA BAIN

21 **ATTESTATION**

22 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
23 document has been obtained from each of the other signatories.

24 Dated: December 7, 2016

/s/ Timothy J. Nally

26 Timothy J. Nally

27 Attorneys for Defendant

**ORDER UPON STIPULATION**

Pursuant to the stipulation of the parties and good cause appearing, the court moves the hearing date on the parties' cross-motions for summary judgment to May 25, 2017, at 1:30 p.m., with the parties' moving papers to be filed and served by April 20, 2017, opposing papers to be filed and served by May 4, 2017, and reply papers to be filed and served in by May 11, 2017.

It is so ORDERED.

DATED: 12/8/16

